

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DIST. COURT  
SAVANNAH DIV

FEB 26 3 05 PM '01

CLERK  
SO. DIST. OF GA.

FREDERICK GORHAM  
(MOVANT)

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)  
) Case No; CV 400-276  
)  
)

vs.

UNITED STATES OF AMERICA  
(RESPONDENT)

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)  
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PURSUANT TO FED. RULES CIV. PROC. RULE 56(a)  
MOTION FOR SUMMARY JUDGEMENT

Comes Now, Frederick Gorham, hereinafter Movant, to show this Honorable Court the following:

1. That Movant filed his \$2255 Motion on or about October 11, 2000.
2. That Movant filed a Supplement to said Motion on or about November 16, 2000.
3. That the Government moved the court to extend its time to respond to Movant's Supplement due to their office allegedly not receiving a copy of Movant Gorham's Motion to Supplement.
4. That on January 9, 2001, the Court ordered Movant Gorham to serve a copy of his Motion to Supplement on the Government.
5. That per that same order the Government was allowed Twenty(20) days from the receipt of Movant's Motion to Supplement to respond.  
[see Attachment "A"]
6. That on January 18, 2001, Movant deposited in the Inmate Legal Mail Postal Box a copy of the Motion to Supplement, after receiving the Court's order via mail on January 16, 2001. [see Attachment "B"]
7. That the Government received and signed for the Motion on January 23, 2001.  
[see Attachment "C"]
8. That the Government has not given any reason to preclude them from timely complying with the Court's order. It appears and the Movant

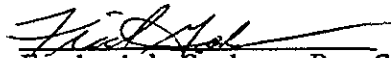
asserts that the government either conceded to or is unable to respond to the Supplemental Motion and its claim therein. Due to the government's lack of response, it follows that its tactic to gain an additional Twenty(20) days to respond was an attempt to delay the Court and the Movant request this Court consider that action or lack thereof that the government accepts the Supplement Motion as true and correct, thereby entitling the Movant to the relief prayed for therein.

WHEREFORE, the Movant prays this Honorable Court for the following relief:

1. For all the relief prayed for in the Motion to Supplement the \$2255.
2. For the government's failure to timely respond to the order of this Court on January 9, 2001, Movant asks for a Summary Judgement Pursuant to Rule 56(a) to the Motion to Supplement \$2255 of Fed. R. Civ. Proc., be entered in this Court.
3. For any and all such further relief this Honorable Court deems just and proper.

Signed this 20<sup>th</sup> day of February 2001.

Respectfully submitted,

  
Frederick Gorham, Pro-Se  
#09593-021  
Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FREDERICK GORHAM,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. CV400-276  
[CR497-181]

**ORDER**

The government has filed a request for service of pleadings. Doc. # 6. The government states that it was not served with a copy of movant's motion to amend, which was filed on November 20, 2000. The motion was granted by this Court on December 8, 2000.

Movant is ORDERED to serve the government with a copy of the motion to amend. Movant is further ORDERED to serve all future court pleadings on the government. The government will be allowed twenty (20) days from the receipt of movant's motion to amend to submit a response to the Court.

SO ORDERED this 9<sup>th</sup> day of January, 2001.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

ATTACHMENT "A"

Frederick Gorham  
09593-021  
Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509


January 18, 2001

Clerk, U.S. District Court  
125 Bull Street  
Room 306  
Savannah, GA 31401

Dear Clerk of Court,

I come now to inform the Court that I have furnished a copy of the Motion To Amend to the U.S. Attorney's office as ordered by the magistrate Judge on January 9, 2001. Also I want to inform the Court, that the Motion to Amend was mailed on January 18, 2001, by Certified Mail. (Routing No: 7000 0600 0023 5289 3135)

Respectfully submitted,

  
FREDICK GORHAM  
09593-021

CV 400-276

5121 6825 E200 0090 0002

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
RE-SUBMIT / Motion	
Postage \$	3.95
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.95
Postmark Here	
C-1	
Recipient's Name (Please Print Clearly) (to be completed by mailer)	
FREDERICK GORHAM 09593-021	
Street, Apt. No., or PO Box No	
FEDERAL MEDICAL CENTER P.O. Box 1600	
City, State, ZIP+4	
BUTNER NC 27509	

PS Form 3800, February 2000 See Reverse for Instructions

ATTACHMENT "B"

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired
- Print your name and address on the reverse so that we can return the card to you
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1 Article Addressed to:

UNITED STATES ATTORNEY  
ATTN: CARLTON R. BOLDEN  
SOUTHERN DISTRICT OF GEORGIA  
P.O. BOX 8970  
SAVANNAH, GA 31412

## 2 Article Number (Copy from service label)

7000 0600 0023 5289 3135

Form 3811, July 1999

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

*A. Bolden*

B. Date of Delivery

*1/23/01*

C. Signature

*x A. Bolden*

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4 Restricted Delivery? (Extra Fee)

☐ Yes


POST OFFICE BOX 1500  
DUTNER, NORTH CAROLINA 27509

ATTACHMENT "C"

PLEA FOR LIBERAL CONSIDERATION

Movant Gorham respectfully moves the Honorable Court to GRANT all liberal considerations with respect to this action pursuant to HAINES v. KERNER, 4040 U.S. 519, 30 L. Ed. 2d 652, 92 S.Ct. 594, as Movant is not an attorney and has not attended any law school, nor has any professional training with respect to the filing of legal pleadings.

Respectfully submitted,

  
Frederick Gorham  
#09593-021  
Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509

CERTIFICATE OF SERVICE

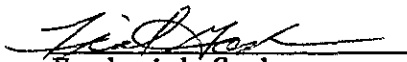
I, **Frederick Gorham**, swear I have deposited into the U.S. Postal box at Federal Medical Center Butner, N.C., copies of the enclosed Motion for the below named party:

Mr. Carlton Bourne  
Assistance U.S. Attorney  
100 Bull Street, Suite 201  
Savannah, GA 31401

This 20<sup>th</sup> day of February 2001.

I also request a stamped filed copy be sent to me in the self addressed stamped envelope enclosed herein. Because of my indigent status, I also request a copy of the Docket Sheet as of October 14, 1998 through the present.

Respectfully submitted,

  
Frederick Gorham  
#09593-021  
Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509